

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 5, United States Code, to protect Federal employees from retaliation for the lawful use of Federal records, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Employee Ac-  
5       cess to Information Act”.

6       **SEC. 2. PROTECTIONS AGAINST RETALIATION FOR LAWFUL**  
7                               **USE OF FEDERAL RECORDS BY FEDERAL EM-**  
8                               **PLOYEES.**

9       (a) PROTECTION AGAINST RETALIATION.—Section  
10   2302(b)(9) of title 5, United States Code, is amended—

1           (1) in subparagraph (C), by striking “or” at  
2     the end;

3           (2) in subparagraph (D), by inserting “or”  
4     after the semicolon; and

5           (3) by adding at the end the following:

6                 “(E) the employee or applicant for employ-  
7     ment—

8                     “(i) making a request for information  
9                     pursuant to section 552 (commonly re-  
10                    ferred to as the ‘Freedom of Information  
11                    Act’) or subsection (d) of section 552a  
12                    (commonly referred to as the ‘Privacy Act  
13                    of 1974’); or

14                    “(ii) pursuing any administrative or  
15                    judicial action with respect to such request,  
16                    including seeking assistance or to engage  
17                    in dispute resolution, as described in sec-  
18                    tion 552;”.

19     (b) CONFORMING AMENDMENTS.—

20           (1) TITLE 5.—Sections 1214, 1215(a)(3)(B),  
21     1221, 2302, and 7703 of title 5, United States  
22     Code, are amended by striking “or (D)” in each in-  
23     stance and inserting “(D), or (E)”.

24           (2) WHISTLEBLOWER PROTECTION ENHANCE-  
25     MENT ACT OF 2012.—Section 116(b)(1)(A) of the

1 Whistleblower Protection Enhancement Act of 2012  
2 (31 U.S.C. 1116 note) is amended by striking “or  
3 (D)” and inserting “(D), or (E)”.